IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50640
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER REGALADO-FLORES, also known as Pedro Sanchez, also known as Pablo Sanchez, also known as Javier Regalo-Flores,

Defendant-Appellant;

Consolidated with
No. 00-50674

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS EULALIO RODRIGUEZ-CASTILLO,

Defendant- Appellant;

Consolidated with
No. 00-50705

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS SALAZAR-GOMEZ,

Defendant-Appellant;

Consolidated with
No. 00-50797

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE VILLA-ENRIQUEZ, also known as David Perez-Enriquez,

Defendant-Appellant.

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Appeals from the United States District Court
for the Western District of Texas
- - - - - - - - - -
February 15, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Javier Regalado-Flores, Carlos Eulalio Rodriguez-Castillo, Jesus Salazar-Gomez, and Jorge Villa-Enriquez (collectively the Defendants) appeal their sentences following their guilty plea convictions for illegal re-entry after deportation in violation of 8 U.S.C. § 1326. The Defendants argue that their sentences should not have exceeded the two-year maximum sentence under 8 U.S.C. § 1326(a). The Defendants acknowledge that their argument is foreclosed by Almendarez-Torres v. United States, 523 U.S. 224 (1998), but they seek to preserve the issue for Supreme Court review in light of Apprendi v. New Jersey, 530 U.S. 466 (2000).

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* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The Defendants' argument is foreclosed by Almendarez-Torres, 523 U.S. at 235.

The Government has moved for a summary affirmance in lieu of filing an appellee's brief. In its motion, the Government asks that the judgments of the district court be affirmed and that an appellee's brief not be required. The motion is granted.

AFFIRMED; MOTION GRANTED.